



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,709	10/24/2003	Stuart W. Daniel	2003-0129.02	9781
21972	7590	08/08/2007		
LEXMARK INTERNATIONAL, INC.			EXAMINER	
INTELLECTUAL PROPERTY LAW DEPARTMENT			BECKLEY, JONATHAN R	
740 WEST NEW CIRCLE ROAD				
BLDG. 082-1			ART UNIT	PAPER NUMBER
LEXINGTON, KY 40550-0999			2609	
			MAIL DATE	DELIVERY MODE
			08/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/692,709	DANIEL, STUART W.
	Examiner	Art Unit
	Jonathan R. Beckley	2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 October 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-37 is/are pending in the application.
 - 4a) Of the above claim(s) 10 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-37 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) 1-37 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 October 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08).
Paper No(s)/Mail Date ML
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species: Figure 1, 2, 3, 4, 5 and 6. The species are independent or distinct because all the Figures are clearly distinct from each other.

For example: **Specie 1** corresponds to Figures 1, 2, 4 & 5 with corresponding claims 1, 2, 3, 4, 8, 9, 10, 11, 12, 13, 17, 18, 20, 28, 29 & 30.

Specie 2 corresponds to Figures 1,2 & 6 with corresponding claims 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 & 30.

Specie 3 corresponds to Figures 1, 3, 4, & 5 with corresponding claims 1, 2, 3, 4, 5, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 28, 29 & 30.

Specie 4 corresponds to Figures 1, 3, & 6: Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 & 30.

Currently, Claim 1 is generic.

A call was made to Christine K. Garcia, attorney of record, on Tuesday July 24, 2007 at approximately 4:00 pm for electing a group of species. Applicant elects **Specie 4** without traverse to prosecute the invention by selecting Specie 4 with corresponding Figures 1, 3, & 6 which correspond to claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 & 30.

Affirmation of this election must be made by Applicant in replying to this Office Action. Claim 10 withdrawn from further consideration by the Examiner, 37 CFR 1.142(b), as being drawn to a non-elected specie.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Drawings

2. The drawings are objected to because the applicant did not label all elements shown in the drawings where drawing elements should be provided with descriptive text labels. For example, Figure 1, element 26 should be labeled with label 'GUI', and etc.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-16, 19, 21, & 27-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Quintana (Pub. No.: US 2003/0231367 A1).

5. Regarding Claim 1, Quintana teaches a scanning device comprising (Page 1, Paragraph 3, lines 1-2): a housing (Page 1, Paragraph 3, lines 1-2); a scanning

component at least partially received in said housing for optically scanning a document and providing an electronic version of said document (Page 1, Paragraph 3, lines 4-5); a preview screen cooperatively coupled with said housing and coupled to said scanning component such that said electronic version of said document can be visually displayed on said preview screen; and an interactive component cooperatively coupled with at least one of said housing and said preview screen which can receive user input based upon said preview of said document (Figure 4; Page2, Paragraph 17, lines 1-5).

Regarding Claim 2, Quintana teaches the device of claim 1, wherein said preview screen and said interactive component are components of a graphical interface unit (Page 2, Paragraph 16).

Regarding Claim 3, Quintana teaches the device of claim 1, wherein said user input indicates acceptance or rejection of said electronic version of said document (Page 2, Paragraph 13, lines 4-7).

Regarding Claim 4, Quintana teaches the device of claim 1, wherein said device is configured such that if said interactive component receives user input indicating acceptance of said electronic version of said document, said device exports said electronic version of said document (Page 1-2, Paragraph 13, lines 1-4).

Regarding Claim 5, Quintana teaches the device of claim 4, wherein said exportation includes exporting said electronic version of said document to at least one of a network, host computer, telecommunications line, and printer (Page 1-2, Paragraph 13, lines 1-4).

Regarding Claim 6, Quintana teaches the scanning device of claim 1, wherein said interactive component, in response to input from a user, causes modification of at least one of said preview of said document and said electronic version of said document (Page 3, Paragraph 21, lines 21-24).

Regarding Claim 7, Quintana teaches the device of claim 1, wherein said interactive component includes at least one selectable function which, when selected by a user, causes said preview of said document to be modified or causes said electronic version of said document to be modified (Page 2, Paragraph 20, lines 17-29).

Regarding Claim 8, Quintana teaches the device of claim 1, further comprising a controller, and wherein said scanning component, said preview screen and said interactive component are coupled to said controller (Figure 2; Page 2, Paragraphs 16-18).

Regarding Claim 9, Quintana teaches the device of claim 8, wherein said controller is capable of processing or storing said electronic version of said document (Page 1, Paragraph 12, lines 31-43).

Regarding Claim 11, Quintana teaches the device of claim 1, wherein said electronic version of said document includes at least part of an output of said scanning component that is indicative of at least part of the visual properties of said document (Page 1, Paragraph 3).

Regarding Claim 12, Quintana teaches the device of claim 1 wherein said device is a multifunction machine (Figure 3; Page 2, Paragraph 19, lines 1-4).

Regarding Claim 13, Quintana teaches the device of claim 1 wherein said device includes an outgoing facsimile processing means for converting said electronic version of said document into an outgoing facsimile transmission (Pages 1-2, Paragraph 13, lines 1-4).

Regarding Claim 14, Quintana teaches the device of claim 1, wherein said device includes a print means for printing said electronic version of said document (Page 2, Paragraph 16, lines 7-9).

Regarding Claim 15, Quintana teaches the device of claim 14, wherein said print means prints documents in response to commands and data signals sent from a computer (Page 2, Paragraph 17, lines 1-10).

Regarding Claim 16, Quintana teaches the device of claim 1 wherein said device includes an exporting means for sending said electronic version of said document to an external device (Page 2, Paragraph 17, lines 1-10).

Regarding Claim 19, Quintana teaches the scanning device of claim 1, wherein said interactive component, in response to input from a user, causes modification of at least one of said preview of said document and said electronic version of said document (Page 3, Paragraph 21, lines 21-24).

Regarding Claim 21, Quintana teaches the device of claim 1 wherein said interactive component includes at least one selectable crop function which, when selected or operated by a user, causes said preview of said electronic version of said document to be cropped or causes said electronic version of said document to be modified to accommodate such desired cropping (Page 2, Paragraph 15, lines 1-4).

Regarding Claim 27, Quintana teaches the device of claim 1 wherein said interactive component includes at least one image processing button or selectable image

processing function, which, when selected or operated by a user, causes said electronic version of said document to be modified (Page 2, Paragraph 14, lines 5-13).

Regarding Claim 28, Quintana teaches the device of claim 1 wherein said interactive component includes a touch pad configured to receive inputs from a user in response to manual pressure applied to said touch pad (Page 1, Paragraph 12, lines 27-31).

Regarding Claim 29, Quintana teaches the device of claim 1 wherein said interactive component includes a plurality of selectable functions which can be operated by a user (Page 3, Paragraph 21, lines 21-24).

Regarding Claim 30, Quintana teaches the scanning device of claim 1 wherein said preview screen and said interactive component are each part of an interactive graphical display unit (Page 2, Paragraph 16).

Regarding Claim 31, Quintana teaches a scanning device comprising (Page 1, Paragraph 3): a housing comprising (Page 1, Paragraph 3); a scanning component cooperatively coupled with said housing for optically scanning a document and providing an output that is indicative of at least part of the visual properties of said document (Page 1, Paragraph 3, lines 4-5); a memory or controller capable of receiving at least part of said output of said scanning component and storing or processing said at least part of said output as an electronic version of said document

(Page 2, Paragraph 15); a preview screen cooperatively coupled with said housing and coupled to said scanning component such that at least part of said output of said scanning component is a preview of said document which can be displayed on said preview screen (Page 1, Paragraph 3, line 3); and an interactive component cooperatively coupled with at least one of said housing and said preview screen which, in response to input from a user, can cause modification of at least one of said preview of said document and said electronic version of said document (Figure 4; Page 2, Paragraph 17, lines 1-5).

Regarding Claim 32, Quintana teaches the device of claim 31, wherein said at least part of said output that can be provided to said preview screen includes at least part of said electronic version of said document (Page 1, Paragraph 12, lines 11-13).

Regarding Claim 33, Quintana teaches a method for previewing a document on a scanning device having a preview screen and an interactive component comprising the steps of (Page 1, Paragraph 5): scanning a document to generate an output that is indicative of at least part of said document (Page 1, Paragraph 5); forming a preview of said document and an electronic version of said document (Page 1, Paragraph 5); displaying said preview on said preview screen (Page 1, Paragraph 5).

Regarding Claim 34, Quintana teaches the method of claim 33, further including the step of receiving input from a user (Page 3, Paragraph 21, lines 17-24).

Regarding Claim 35, Quintana teaches the method of claim 34, wherein said input indicates rejection or acceptance of said scanned document or of said preview of said document or of said electronic version of said document (Page 3, Paragraph 21, lines 17-24).

Regarding Claim 36, Quintana teaches the method of claim 34, further including the step of, in response to said input, modifying at least one of said preview of said document and said electronic version of said document (Page 3, Paragraph 21, lines 21-24).

Regarding Claim 37, Quintana teaches a scanning device comprising (Page 1, Paragraph 3): means for optically scanning a document and providing an electronic version of said document (Page 1, Paragraph 3); means for visually displaying said electronic version of said document on a preview screen (Page 1, Paragraph 3); and means for receiving user input based upon said display of said document (Page 1, Paragraph 3).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 17, 18, 20, & 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quintana (Pub. No.: US 2003/02311367 A1) as applied to Claims 17, 18, 20, & 22-26 above, and further in view of Motamed (US Patent # 7,002,700 B1).

8. Regarding Claim 17, Quintana does not teach wherein said scanning component is capable of scanning a multi-page document.

Motamed does teach wherein said scanning component is capable of scanning a multi-page document (Column 4, line 4-17), therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to combine the teachings of Quintana with Motamed for the purpose of further explaining the details of software that can be used in the device and further describe and limit the modification function that can be performed from the device and method of.

Motamed further teaches wherein said preview screen is capable of displaying each page of said electronic version of said multi-page document (Column 4, lines 4-17).

Motamed further teaches wherein said interactive component includes at least one selectable rotate function which, when selected or operated by a user, causes said preview of said electronic version of said document to rotate or causes said electronic

version of said document to be modified to accommodate such desired rotation (Column 6, lines 34-53).

Motamed further teaches wherein said interactive control unit includes at least one selectable change resolution function which, when selected or operated by a user, causes said preview of said electronic version of said document to be change its resolution or causes said electronic version of said document to be modified to accommodate such desired change in resolution (Column 6, lines 34-53).

Motamed further teaches wherein said interactive component includes an selectable add page function which, when selected or operated by a user, causes said electronic version of said document to be modified to accommodate an additional scanned page (Column 4, lines 4-17).

Motamed further teaches wherein said interactive component includes at least one selectable deskew function which, when selected or operated by a user, causes said preview of said electronic version of said document to be deskewed or causes said electronic version of said document to be modified to accommodate such desired deskewing (Column 6, lines 34-53).

Motamed further teaches wherein said interactive component includes at least one selectable image compression function which, when selected or operated by a user,

causes said electronic version of said document to change compression schemes or alters the parameters of a compression scheme of said electronic version of said document (Column 6, lines 34-53).

Motamed further teaches wherein said interactive component includes at least one selectable alter bit depth function which, when selected or operated by a user, causes said electronic version of said document to change its bit depth (Column 6, lines 34-53).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan R. Beckley whose telephone number is 571-270-3432. The examiner can normally be reached on Mon-Fri: 7:30-5:00 EST (Alternate Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hai Tran can be reached on 571-272-7305. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JB
07/25/2007



ANH TRAN
PRIMARY EXAMINER